

**LOWENSTEIN SANDLER LLP**

Michael S. Etkin, Esq.  
Wojciech Jung, Esq.  
Philip J. Gross, Esq.  
Michael Savetsky, Esq.  
One Lowenstein Drive  
Roseland, New Jersey 07068  
(973) 597-2500 (Telephone)  
(973) 597-2400 (Facsimile)

*Counsel to the Debtors and  
Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

ACETO CORPORATION, *et al.*,<sup>1</sup>  
  
Debtors.

Chapter 11

Case No. 19-13448 (VFP)

(Jointly Administered)

**NOTICE OF AGENDA FOR HEARING SCHEDULED FOR  
SEPTEMBER 12, 2019 AT 11:00 A.M. (ET)**

**CONTESTED MATTERS GOING FORWARD**

1. Second Modified Joint Plan of Liquidation of Aceto Corporation and its Affiliated Debtors [Docket No. 757; Filed 7/26/19].

Second Modified Disclosure Statement for Second Modified Joint Plan of Liquidation of Aceto Corporation and its Affiliated Debtors [Docket No. 758; Filed 7/26/19]

**Related Documents:**

- a) Declaration of Rebecca A. Roof in Support of First Day Relief [Docket No. 19; Filed 2/20/19]

---

<sup>1</sup> The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: Aceto Corporation (0520); Tri Harbor Chemical Holdings LLC (*f/k/a* Aceto Agricultural Chemicals LLC, *f/k/a* Aceto Agricultural Chemicals Corporation) (3948); Tri Harbor Realty LLC (*f/k/a* Aceto Realty LLC) (7634); Kavod Pharmaceuticals LLC (*f/k/a* Rising Pharmaceuticals, LLC, *f/k/a* Rising Pharmaceuticals, Inc.) (7959); Kavod Health LLC (*f/k/a* Rising Health, LLC) (1562); Kavris Health LLC (*f/k/a* Acetris Health, LLC) (3236); KAVACK Pharmaceuticals LLC (*f/k/a* PACK Pharmaceuticals, LLC) (2525); Arsynco, Inc. (7392); and Acci Realty Corp. (4433).

- b) Debtors' Motion for Entry of an Order (I) Approving the Disclosure Statement on an Interim Basis; (II) Scheduling a Combined Hearing to Consider the Adequacy of the Disclosure Statement and Confirmation of the Plan; (III) Approving the Form and Manner of Notice of the Combined Hearing; (IV) Establishing Deadlines and Procedures for Filing Objections to Confirmation of the Plan; (V) Establishing Deadlines and Procedures for Voting on the Plan; (VI) Approving Solicitation Procedures; (VII) Establishing Procedures for Tabulation of Votes; and (VIII) Granting Related Relief (the "Disclosure Statement Motion") [Docket No. 686; Filed 6/27/19]
- c) Order (I) Approving the Disclosure Statement on an Interim Basis; (II) Scheduling a Combined Hearing to Consider the Adequacy of the Disclosure Statement and Confirmation of the Plan; (III) Approving the Form and Manner of Notice of the Combined Hearing; (IV) Establishing Deadlines and Procedures for Filing Objections to Confirmation of the Plan; (V) Establishing Deadlines and Procedures for Voting on the Plan; (VI) Approving Solicitation Procedures; (VII) Establishing Procedures for Tabulation of Votes; and (VIII) Granting Related Relief [Docket No. 759; Entered 7/26/19]
- d) Notice of (A) Interim Approval of Disclosure Statement, (B) Combined Hearing on Approval of Disclosure Statement on a Final Basis and Confirmation of the Plan, and (C) Related Objection Deadline [Docket No. 762; Filed 7/26/19]
- e) Affidavit of Publication filed by Prime Clerk, LLC [Docket No. 792; Filed 8/2/19]
- f) Affidavit of Service filed by Prime Clerk, LLC [Docket No. 823; Filed 8/9/19]
- g) Notice of First Non-Material Modification to Second Modified Joint Plan of Liquidation of Aceto Corporation and Its Affiliated Debtors [Docket No. 835; Filed 8/12/19]
- h) Affidavit of Service filed by Prime Clerk, LLC [Docket No. 852; Filed 8/15/19]
- i) Affidavit of Service filed by Prime Clerk, LLC [Docket No. 853; Filed 8/15/19]
- j) Notice of Filing of Plan Supplement to the Second Modified Joint Plan of Liquidation of Aceto Corporation and Its Affiliated Debtors [Docket No. 892; Filed 8/23/19]
- k) Affidavit of Service filed by Prime Clerk LLC [Docket No. 909; Filed 8/28/19]
- l) FDC Limited's Notice of Opt-Out of Plan Releases Regarding Second

Modified Joint Plan of Liquidation of Aceto Corporation and Its Affiliated Debtors [Docket No. 922; Filed 8/30/19]

- m) Informal Letter from Shareholder Eric Furey to Aceto Board of Directors [Not Filed on the Court Docket]
- n) Notice of Filing of Second Plan Supplement to the Second Modified Joint Plan of Liquidation of Aceto Corporation and Its Affiliated Debtors [Docket No. 958; Filed 9/6/19]
- o) Declaration of Craig E. Johnson of Prime Clerk LLC Regarding the Solicitation of Votes and Tabulation of Ballots Cast on the Second Modified Joint Plan of Liquidation of Aceto Corporation and Its Affiliated Debtors [Docket No. 959; Filed 9/6/19]
- p) Notice of Filing of Debtors' Proposed Confirmation Order [Docket No. 967; Filed 9/9/19] (the "Proposed Confirmation Order")
- q) Declaration of Carrienne J.M. Basler in Support of Confirmation of Second Modified Joint Plan of Liquidation of Aceto Corporation and Its Affiliated Debtors [Docket No. 968, Filed 9/10/19]
- r) Debtors' Memorandum of Law (I) In Support of an Order (A) Approving the Disclosure Statement on a Final Basis and (B) Confirming the Second Modified Joint Plan of Liquidation of Aceto Corporation and Its Affiliated Debtors, and (II) In Reply to Objections Thereto [Docket No. 969, Filed 9/10/2019] (the "Confirmation Brief")

Objection Deadline: August 30, 2019 at 4:00 p.m. (ET).

Responses Received:

- a) Limited Objection to Disclosure Statement Motion filed by Apex Pharmaceuticals, Inc. [Docket No. 726; Filed 7/17/19] ("Apex DS Objection")
- b) Limited Objection of the U.S. Securities and Exchange Commission to Approval of the Disclosure Statement and Confirmation of the Debtors' Plan of Reorganization [Docket No. 731; Filed 7/18/19] ("SEC Objection")
- c) The Ad Hoc Consortium of Equity Holders' Objection to Debtors' First Modified Disclosure Statement for First Modified Joint Plan of Liquidation of Aceto Corporation and Its Affiliated Debtors [Docket No. 734; Filed 7/18/19] ("Equity Group DS Objection")
- d) Objection to Disclosure Statement & Information for Shareholders Filed by Brian Stout [Docket No. 803; Filed 8/2/19] ("Stout Objection")
- e) Objection of the Acting United States Trustee to the Second Modified

Chapter 11 Plan of Liquidation for Aceto Corporation, *et al.* [Docket No. 920; Filed 8/29/19] (“UST Original Objection”)

- f) Objection of Palm Global Small Cap Master Fund, LP, to Confirmation of Second Modified Joint Plan [Docket No. 921; Filed 8/30/19] (“Palm Objection”)
- g) Objection of Galveston County, Harris County and Texas City Independent School District to Second Modified Joint Plan of Liquidation of Aceto Corporation and Its Affiliated Debtors [Not Filed on the Court Docket] (“Texas Taxing Authorities Objection”)
- h) Supplement to the Objection of the Acting United States Trustee to the Second Modified Chapter 11 Plan of Liquidation for Aceto Corporation, *et al.* [Docket No. 953; Filed 9/5/19] (the “UST Supplemental Objection”, together with the UST Original Objection, the “UST Objection”)
- i) Informal comments from (i) the United States Attorney’s Office and the United States Department of Justice, on behalf of the United States Environmental Protection Agency, United States Department of the Interior, and National Oceanic and Atmospheric Administration (collectively, the “United States”), (ii) Aceto Holdings, L.P. (f/k/a NMC Atlas, L.P., the “Chemical Plus Buyer”), (iii) Lonza Sales AG (“Lonza”), (iv) Creditors’ Committee, (v) Ad Hoc Group of Noteholders, and (vi) Notes Indenture Trustee.

**Status: This matter is going forward. The Apex DS Objection and Equity Group DS Objection were resolved and/or overruled in connection with the initial Disclosure Statement hearing held on July 25, 2019. Language added to the Proposed Confirmation Order resolves (i) the informal comments from the United States, Chemical Plus Buyer, Lonza, Creditors’ Committee, Ad Hoc Group of Noteholders, and Notes Indenture Trustee, (ii) the Texas Taxing Authorities Objection, and (iii) portions of the SEC Objection. The SEC Objection (with respect to the portions not resolved in the Proposed Confirmation Order), UST Objection, Palm Objection, and Stout Objection are going forward.**

#### **STATUS CONFERENCE**

1. (A) Debtors’ Motion for Entry of an Order Estimating Claim Nos. 155 and 162 Filed by Sigmapharm Laboratories, LLC [Docket No. 842; Filed 8/13/19] and (B) Sigmapharm Laboratories, LLC’s Cross-Motion For Temporary Allowance Of Claims For Distribution And Voting Purposes Under Rule 3018 [Docket No. 859; Filed 8/16/19]

#### **Related Documents/Responses Received:**

- a) Objection to Claim Nos. 155 and 162 and Counterclaims Against Sigmapharm Laboratories, LLC [Adv. No. 19-02053, Docket No. 1; Filed 7/18/19]

- b) Sigmapharm Laboratories, LLC's Objection to Debtors' Motion for Entry of an Order Estimating Claim Nos. 155 and 162 [Docket No. 908; Filed 8/28/19]
- c) Debtors' (I) Objection to Sigmapharm Laboratories, LLC's Cross-Motion for Temporary Allowance of Claims for Distribution and Voting Purposes Under Rule 3018, and (II) Reply in Further Support of Debtors' Motion for Entry of an Order Estimating Claim Nos. 155 and 162 Filed by Sigmapharm Laboratories, LLC [Docket No. 924; Filed 8/30/19]
- (f) Declaration of Rebecca A. Roof in Further Support of the Debtors' Motion for Entry of an Order Estimating Claim Nos. 155 and 162 Filed by Sigmapharm Laboratories, LLC, and in Opposition to Sigmapharm's Cross-Motion for Temporary Allowance of Claims for Distribution and Voting Purposes Under Rule 3018 [Docket No. 924-3; Filed 8/30/19]

Objection Deadline: August 28, 2019 at 4:00 p.m. (ET).

**Status: This matter is going forward as a status conference only.**

Dated: September 10, 2019

Respectfully submitted,

**LOWENSTEIN SANDLER LLP**

/s/ Wojciech F. Jung

Michael S. Etkin, Esq.

Wojciech F. Jung, Esq.

Philip J. Gross, Esq.

Michael Savetsky, Esq.

One Lowenstein Drive

Roseland, New Jersey 07068

(973) 597-2500 (Telephone)

[metkin@lowenstein.com](mailto:metkin@lowenstein.com)

[wjung@lowenstein.com](mailto:wjung@lowenstein.com)

[pgross@lowenstein.com](mailto:pgross@lowenstein.com)

[msavetsky@lowenstein.com](mailto:msavetsky@lowenstein.com)

*Counsel to the Debtors and  
Debtors-in-Possession*